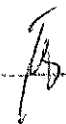


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE
S. No. 2048

Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

The Philippines ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women or CEDAW on 5 August 1981. As a signatory to this Convention, the Philippines is duty-bound to protect women's human rights and adopt temporary and permanent measures to promote gender equality and women's empowerment.

Since the ratification of the CEDAW, there have been legal developments in the area of women's rights. The Constitution guarantees fundamental equality before the law of women and men. Republic Act No. 6725 prohibits discrimination with respect to terms and conditions of employment solely on the basis of sex. Republic Act No. 7192 promotes the integration of women as full and equal partners in development and nation-building. Republic Act No. 9262 protects women and children against various forms of domestic violence. Republic Act No. 8353 has expanded the definition of rape and classified it as a crime against persons.

Notwithstanding these, the Concluding Comments of the Committee on the Elimination of Discrimination against Women during its 36th session held on 7-25 August 2006 raised as a principal concern the Philippines' lack of progress in enacting a comprehensive legal framework on gender equality.


This Magna Carta of Women aims to address this concern. It defines discrimination, addresses gender issues in health, education, training, livelihood, employment, political participation, media, marriage and family relations and property ownership. It also provides for the adoption of special measures to protect women's human rights and allow women to realize their full human potentials alongside men.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


RICHARD J. GORDON

FOURTEENTH CONGRESS OF THE)
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AN ACT
PROVIDING FOR THE MAGNA CARTA OF WOMEN IN THE PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SEC. 1. Short Title.** – This Act shall be known as “The Magna Carta of
2 Women.”

3 **Sec. 2. Declaration of Policy.** – The State recognizes the role of women in
4 nation-building and shall ensure the substantive equality of women and men. It shall
5 promote the empowerment of women and pursue equal opportunities for women and
6 men as well as ensure their equal access to resources and to development results.

7 The State condemns all forms of discrimination against women and pursues
8 by all appropriate means and without delay the policy of eliminating discrimination
9 against women in keeping with the *Convention on the Elimination of All Forms of*
10 *Discrimination Against Women (CEDAW)* and other international instruments. The
11 State shall accord to women the rights, opportunities and highest protection available
12 to every member of society.

13 The State affirms women’s rights as human rights and shall intensify its
14 efforts to recognize, respect, protect, fulfill and promote all human rights and
15 fundamental freedoms of women especially in the marginalized sectors of society to
16 guarantee their economic, social and cultural well-being without distinction or
17 discrimination on account of class, age, sex, gender and sexuality, language,
18 ethnicity, religion, ideology, disability, education, wealth and status.

19 The State shall provide the necessary mechanisms to enforce and guarantee
20 the realization of women’s rights as well as undertake steps to include temporary
21 special measures which encompass a wide variety of legislative, executive,

1 administrative and other regulatory instruments, policies and practices aimed at
2 accelerating the equal participation of women in the political, economic, social,
3 cultural, civil or any other field. Temporary special measures must be discontinued
4 when their desired results have been achieved and sustained for a period of time.

5 The State, in ensuring the full integration of women's concerns in the
6 mainstream of development, shall provide ample opportunities for women to
7 enhance and develop their skills, acquire productive employment and contribute to
8 their communities to the fullest of their capabilities.

9 In pursuit of this policy, the State recognizes the right of women to participate
10 in policy formulation, planning, organization, implementation, management
11 monitoring, and evaluation of all development initiatives. It shall pursue policies,
12 research, technology and training programs and other support services such as
13 financing, production and marketing to encourage active participation of women in
14 the national development.

15 **Sec. 3. Definition of Terms.** – For purposes of this Act, the following terms
16 shall mean:

17 (A) *Women's empowerment* refers to the provision, availability and accessibility
18 of opportunities which enable women to actively participate and contribute to the
19 political, economic, social and cultural development of the nation as well as those which
20 shall provide them equal access to ownership, management and control of production,
21 and of material and informational resources and benefits in the family, community and
22 society;

23 *Women's empowerment* also refers to women's increased capability to be
24 agents of their own development;

25 (B) *Discrimination Against Women* refers to any gender-based distinction,
26 exclusion or restriction which has the effect or purpose of impairing or nullifying
27 women's recognition, enjoyment or exercise of human rights and fundamental
28 freedoms in the political, economic, social, cultural, civil or any other field,
29 irrespective of their status;

30 (C) *Marginalization* refers to the condition where a whole category of people
31 is excluded from useful participation in political, economic, social or cultural life and
32 is potentially subjected to severe material deprivation;

33 (D) *The marginalized* refers to the disadvantaged or vulnerable persons or

1 groups who are mostly living in poverty and have little or no access to health care,
2 education, water, sanitation, employment, livelihood, housing, social security, and
3 other basic social and economic services; land and resources; physical
4 infrastructure; and the justice system.

5 The term includes, but is not limited to, women in the following sectors:

- 6 1. *Small Farmers and Rural Workers*, referring to those who are engaged
7 directly or indirectly in small farms and forest areas, workers in
8 commercial farms and plantations, whether paid or unpaid, regular or
9 seasonal. These shall include, but are not limited to: (a) tenants,
10 leaseholders, stewards and small farmers who own or are still amortizing
11 for land that is not more than three hectares in area; (b) rural workers who
12 are either wage earners, self-employed or unpaid family workers directly
13 and personally engaged in agriculture, small-scale mining, handicrafts and
14 other related on-farm/off-farm activities;
- 15 2. *Fishers* refer to those directly or indirectly engaged in the harvesting,
16 culture or processing of aquatic resources, including but not limited to: (a)
17 those engaged in fishing in municipal waters and coastal areas; (b)
18 workers in commercial fishing and aquaculture; (c) vendors and
19 processors of fish and coastal products; (d) subsistence producers such
20 as shell-gatherers; and (e) managers and producers of mangrove
21 resources and other related producers;
- 22 3. *Urban Poor* refers to those residing in urban slum or blighted areas, with
23 or without the benefit of security of tenure, where the income of the head
24 of household cannot sufficiently provide in a sustained manner the
25 minimum basic needs of food, health, education, housing and other
26 essential amenities in life for the family;
- 27 4. *Workers in the Formal Economy* refer to those who work for an employer
28 including Government, the private sector and non-profit private institutions
29 or organizations;
- 30 5. *Workers in the Informal Economy* refer to the self-employed; occasionally
31 hired, subcontracted and unpaid family workers in household
32 unincorporated enterprises, including homeworkers; micro-entrepreneurs;
33 operators of *sari-sari* stores; and all other categories who suffer from or

- 1 are prone to violation of workers' rights;
- 2 6. *Migrant workers* refer to documented or undocumented Filipinos who are
3 engaged, to be engaged or have been engaged in a remunerated activity
4 in a State of which they are not citizens;
- 5 7. *Indigenous Peoples* refer to members of any indigenous cultural
6 community of the Philippines as defined under Sec. 3(h), Chapter II of
7 Republic Act No. 8371, otherwise known as "The Indigenous People's
8 Rights Act of 1997;"
- 9 8. *Moro* refers to indigenous peoples that historically inhabited Mindanao,
10 Palawan and Sulu, and who are of the Islamic faith;
- 11 9. *Children* refers to those below eighteen (18) years of age or those 18 and
12 over but are unable to fully take care of themselves or protect themselves
13 from abuse, neglect, cruelty, exploitation or discrimination because of a
14 *physical or mental disability or condition*;
- 15 10. *Senior Citizens* refer to those sixty (60) years of age and above;
- 16 11. *Persons with Disabilities* refer to those who are suffering from restriction
17 or different abilities, as a result of a mental, physical or sensory
18 impairment to perform an activity in the manner or within the range
19 considered normal for a human being;
- 20 12. *Solo Parents* shall refer to those defined under Republic Act No. 8972,
21 otherwise known as the "Solo Parents Welfare Act of 2000;"

22 (E) *Gender* refers to the socially differentiated roles, characteristics and
23 expectations attributed by culture to women and men. It is created, reproduced and
24 maintained by social institutions. Gender roles and attributes are not natural or
25 biological.

26 (F) *Gender Equality* indicates that women and men enjoy the same status
27 and have equal conditions for realizing their full human potentials to contribute to and
28 benefit from the results of development.

29 (G) *Gender and Development (GAD)* refers to the development perspective or
30 process that is participatory and empowering, equitable, sustainable, free from
31 violence, respectful of human rights, and supportive of self-determination and
32 actualization of human potentials. It seeks to achieve gender equality as a
33 fundamental value that should be reflected in development choices; seeks to

1 transform society's social, economic and political structures and questions the
2 validity of the gender roles they ascribe to women and men; contends that women
3 are active agents of development and not just passive recipients of development
4 assistance; and stresses the need of women to organize themselves and participate
5 in political processes to strengthen their legal rights;

6 (H) *Gender Mainstreaming* is the strategy for making women's as well as
7 men's concerns and experiences an integral dimension of the design,
8 implementation, monitoring and evaluation of policies and programs in all political,
9 economic and societal spheres so that women and men benefit equally and
10 inequality is not perpetuated. It is the process of assessing the implications for
11 women and men of any planned action, including legislation, policies or programs, in
12 all areas and at all levels.

13 (I) *Violence against Women* refers to any act of gender-based violence that
14 results in, or is likely to result in, physical, sexual or psychological harm or suffering
15 to women, including threats of such acts, coercion or arbitrary deprivation of liberty,
16 whether occurring in public or private life. It shall be understood to encompass the
17 following:

- 18 1. Physical, sexual, psychological, and economic violence occurring in the
19 family; sexual abuse of female children in the household; dowry-related
20 violence, marital rape, and other tradition-based practices harmful to
21 women; non-spousal violence; and violence related to exploitation;
- 22 2. Physical, sexual and psychological violence occurring within the general
23 community, including rape, sexual abuse, sexual harassment and
24 intimidation at work, in educational institutions and elsewhere; trafficking
25 in women; and prostitution;
- 26 3. Physical, sexual and psychological violence perpetrated or condoned by
27 the State, wherever it occurs;
- 28 4. All forms of violence as defined and enumerated under Sec. 3 of Republic
29 Act No. 9262, otherwise known as the "Anti-Violence Against Women and
30 their Children Act of 2004."

31 **Sec. 4. Human Rights.** – All rights recognized under international
32 instruments duly signed and ratified by the Philippines, including rights under the
33 Constitution and other existing laws, shall be rights of women under this Act to be

1 enjoyed without discrimination.

2 **Sec. 5. Protection from Violence.** - The State shall ensure the protection of
3 women from all forms of violence as provided for in existing laws. Agencies of
4 government shall give priority to the defense of women against gender-related
5 offenses and help them attain justice and healing. Towards this end, measures to
6 prosecute and reform offenders shall be pursued.

7 (A) Within the next five years, there shall be an incremental increase in the
8 recruitment and training of women in the police force, forensics and medico-legal,
9 legal services and such other services availed by women who are victims of gender-
10 related offenses, until at least 50% of personnel shall be women.

11 (B) Women shall have the right to protection and security in situations of
12 armed conflict and militarization. The State shall observe international standards,
13 particularly International Humanitarian Law, for the protection of the civilian
14 population in circumstances of emergency and armed conflict. It shall not force
15 women, especially indigenous peoples, to abandon their lands, territories and means
16 of subsistence, or relocate them in special centers for military purposes under any
17 discriminatory condition.

18 (C) All government personnel involved in the protection and defense of
19 women against gender-based violence shall undergo a mandatory training on human
20 rights and gender sensitivity and responsiveness pursuant to this Act.

21 **Sec. 6. Participation and Representation.** - The State shall undertake
22 temporary special measures to accelerate the participation and representation of
23 women in all spheres of society particularly in the decision and policy-making
24 processes, to fully realize their role as agents and beneficiaries of development. It
25 shall recognize the right of women to organize in order to promote their welfare,
26 protect their rights, express their concerns, develop skills, advance or safeguard their
27 interests, and initiate action to resolve women's issues. Towards this end, the State
28 shall encourage the establishment of self-help and political organizations such as
29 cooperatives, associations and people's organizations to enable members to
30 improve their quality of life and enhance their socio-cultural and political role and
31 status in society.

32 The State shall institute affirmative action mechanisms so that women can
33 participate meaningfully in the formulation, implementation and evaluation of policies,

1 plans and programs for national, regional and local development:

2 (A) *Empowerment in the civil service.* - Within the next five years, the number
3 of women in third level positions in government shall be increased to achieve a fifty-
4 fifty gender balance.

5 (B) *Development councils and planning bodies.* - To ensure the participation
6 of women in all levels of development planning and program implementation, at least
7 33% of membership of all development councils from the regional, provincial, city,
8 municipal and barangay levels shall be composed of women.

9 (C) *Other policy and decision-making bodies.* - Women shall also be
10 represented in all international, national, local and special decision-making bodies
11 such as, but not limited to, agriculture, fisheries, agrarian reform and anti-poverty
12 councils.

13 (D) *International bodies.* - The State shall take appropriate measures to
14 ensure that women, on equal terms with men and without any discrimination, are
15 given the opportunity to represent the Government at the international level and to
16 participate in the work of international organizations.

17 (E) *Integration of women in political parties.* - All political parties shall
18 encourage recruitment of women and their representation in internal policy-making
19 structures and appointive and electoral nominating processes. All duly accredited
20 political parties are encouraged to provide adequate representation of women in their
21 slate of official candidates in local and national elections.

22 The State shall provide incentives to political parties with a women's agenda
23 and with women comprising at least 33% of their leadership and membership.

24 (F) *Private sector.* - The State shall take measures to encourage women
25 leadership in the private sector in the form of incentives.

26 **Sec. 7. Equal Treatment before the Law.** - The State shall, within three
27 years from effectivity of this Act, take steps to review and when necessary, amend or
28 repeal existing laws that are discriminatory to women.

29 **Sec. 8. Equal Access to and Elimination of Discrimination in Education,
30 Scholarships and Training.**

31 (A) The State shall remove gender stereotypes and images in educational
32 materials and curricula and promote the use of gender-sensitive language at all
33 times. Teachers and all those in the education sector shall undertake capability-

1 building on gender and development (GAD), peace and human rights.

2 (B) Enrollment of women and men in non-traditional skills training in
3 vocational and tertiary levels shall be encouraged.

4 (C) Pregnancy as a cause for non-admission, expulsion and other related
5 discrimination against unmarried women teachers or students shall be outlawed.

6 **Sec. 9. Non-discriminatory and Non-derogatory Portrayal of Women in**
7 **Media and Film.** – The State shall collaborate with media organizations and
8 strategically utilize mass media to raise the consciousness of the general public
9 regarding the dignity of a woman and women’s role and contribution in the family,
10 community and society.

11 For this purpose, the State shall promote a non-stereotyped, balanced and
12 diverse portrayal of women in broadcast media and film. It shall provide incentives to
13 encourage programming that appropriately presents women's needs, issues and
14 concerns in movies, television shows, and advertising media. It shall support media
15 watch groups, media professional associations and women’s organizations.

16 **Sec. 10. Access to Information and Services relating to Women’s**
17 **Health.**

18 (A) *Comprehensive Health Services.* – The State shall at all times provide for
19 a comprehensive gender-responsive health service program covering all stages of a
20 woman’s life cycle with ensured access to the following:

- 21 1. Maternal care services;
- 22 2. Nutrition services;
- 23 3. Reproductive health services;
- 24 4. Adolescent and youth health services;
- 25 5. Women and children protection services;
- 26 6. Screening and appropriate management of reproductive tract infections
27 (RTIS) including sexually transmitted infections (STIS), human
28 immunodeficiency virus (HIV), acquired immune deficiency syndrome
29 (AIDS), breast and reproductive tract cancers, and other gynecological
30 conditions;
- 31 7. Healthy lifestyle activities;
- 32 8. Care of the elderly;
- 33 9. Health services for women with disabilities;

1 10. Post-menopausal services;

2 11. Comprehensive VAW Services for women victims and survivors including
3 psychosocial, therapeutic, medical and legal interventions and assistance
4 towards healing, recovery and empowerment

5 *(B) Comprehensive Health Information and Education.* – The State shall
6 provide women with timely, complete and accurate information and education on all
7 aspects of women’s health.

8 **Sec. 11. Equal Rights in Marriage and Family Relations.** - The State shall
9 take all appropriate measures to eliminate discrimination against women in all
10 matters relating to marriage and family relations and shall ensure:

11 (A) The same right to enter into and leave partnerships or relationships other
12 than those referred to in the Family Code;

13 (B) The same right to choose freely a spouse and to enter into marriage only
14 with free and full consent. The betrothal and the marriage of a child shall have no
15 legal effect;

16 (C) The joint decision on the number and spacing of their children and to have
17 access to the information, education and means to enable them to exercise these
18 rights;

19 (D) The same personal rights for both spouses, including the right to choose
20 freely a profession and an occupation;

21 (E) The same rights for both spouses in respect to the ownership, acquisition,
22 management, administration, enjoyment and disposition of property;

23 (F) The same rights to properties and resources, whether titled or not, and
24 inheritance, whether formal or customary.

25 Customary laws shall be respected provided, however, that they do not
26 contradict the above-enumerated rights.

27 **Sec. 12.** The State recognizes the contribution of women to food production
28 and shall ensure sustainability and sufficiency of food production in the household
29 and community levels:

30 (A) *Right to Food.* - The State shall guarantee the physical availability and
31 economic accessibility of food that is free from unsafe substance and culturally
32 acceptable, in quantity and quality sufficient to satisfy the dietary needs of
33 individuals.

1 (B) *Right to Resources for Food Production.* - The State shall promote the
2 right to adequate food by proactively engaging in activities intended to strengthen
3 access to and utilization of resources and means to ensure women's livelihood,
4 including food production:

5 1. Equal status shall be given to men and women, whether married or not,
6 in the titling of land and issuance of stewardship contracts and patents;

7 2. Equal treatment shall be given to men and women beneficiaries of the
8 agrarian reform program, wherein the vested right of a woman agrarian
9 reform beneficiary is defined by the woman's relationship to the tillage or her
10 direct and indirect contribution to the development of the land;

11 3. Customary rights of women to land, including access to and control of
12 the fruits and benefits, shall be recognized where private ownership is not
13 possible, such as in ancestral domain claims;

14 4. Information and assistance on claiming rights to land shall be made
15 available to women at all times;

16 5. Equal rights of women to the enjoyment, use and management of land,
17 water and other natural resources within their communities or ancestral
18 domains shall be ensured;

19 6. Equal access to the use and management of fisheries and aquatic
20 resources, and all the rights and benefits accruing to stakeholders in the
21 fishing industry, shall be ensured;

22 7. Equal status shall be given to men and women in the issuance of
23 stewardship or lease agreements and other fishery rights that may be granted
24 for the use and management of coastal and aquatic resources. In the same
25 manner, women's organizations shall be given equal treatment as with other
26 marginalized fishers organizations in the issuance of stewardship or lease
27 agreements or other fishery rights for the use and management of such
28 coastal and aquatic resources;

29 8. There shall be no discrimination against women in the deputization of fish
30 wardens;

31 9. Women-friendly agriculture technology shall be designed in consultation
32 with women's organizations;

33 10. Women's access to small farmer-based and controlled seeds production

1 and distribution shall be ensured;

2 11. Indigenous practices of women in seed storage and cultivation shall be
3 recognized;

4 12. Opportunities for empowering women fishers to be involved in the catch
5 and production of aquamarine resources and to engage in entrepreneurial
6 activities which will add value to production and marketing ventures shall
7 be provided;

8 13. Economic opportunities for indigenous women, particularly access to
9 market for their produce, shall be provided.

10 **Sec. 13. Right to Housing.** – The State shall develop housing programs for
11 women that are localized, affordable, secure and accessible to viable employment
12 opportunities. In this regard, the State shall consult women and involve them in
13 community planning and development especially in matters pertaining to land use,
14 zoning and relocation.

15 **Sec. 14. Right to Employment, Livelihood, Credit, Capital and**
16 **Technology.** - The State shall ensure that women are provided with the following:

17 (A) Equal access to formal sources of credit and capital at concessional rates;

18 (B) Equal share to the produce of farms and aquatic resources;

19 (C) Support services and gears for protection against occupational and health
20 hazards.

21 (D) Support services for balancing family obligations and work
22 responsibilities;

23 (E) Membership in unions regardless of status and place of employment.

24 **Sec. 15. Rights of Migrant Women Workers.** - The State shall ensure the
25 promotion of the rights and welfare of migrant women regardless of their work status,
26 and their protection against discrimination in wages, conditions of work and
27 employment opportunities in host countries.

28 The State shall also promote skills and entrepreneurship development of
29 returning women migrant workers. Employment opportunities for returning women
30 migrant workers shall take into account their skills and qualifications.

31 In recognition of the temporary nature of overseas work, the State shall exert
32 all efforts to address the causes of outmigration by developing employment and
33 other economic opportunities for local women and by introducing measures to curb

1 violence and forced and involuntary displacement.

2 **Sec. 16. Right to Information.** - Access to information regarding policies on
3 women, including programs, projects and budget shall be ensured.

4 **Sec. 17. Recognition and Preservation of Cultural Identity/Integrity.** - The
5 State recognizes and respects the rights of Moro and indigenous women to practice,
6 promote, protect and preserve their own culture, traditions and institutions. To this
7 end, the State shall adopt measures in consultation with the sectors concerned to
8 protect their rights to their indigenous knowledge systems and practices, traditional
9 livelihood, and other manifestations of their cultures and ways of life provided that
10 these cultural systems and practices are not discriminatory to women as defined in
11 this Act.

12 **Sec. 18. Peace and Development.** – The peace process shall be pursued
13 with the following considerations:

14 (A) Increasing the participation of women in decision-making in the peace
15 process, including membership in peace panels;

16 (B) Ensuring the development and inclusion of the women's peace agenda in
17 the overall peace strategy and women's participation in the planning,
18 implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict-
19 affected areas;

20 (C) Inclusion of the peace perspective in education curricula;

21 (D) Recognition and support of women's roles in conflict-prevention and
22 peacemaking and in indigenous systems of conflict resolution.

23 **Sec. 19. Protection of Girl-children.** – The State shall provide protection for
24 girl-children and pursue the elimination of all forms of discrimination against them.
25 Towards this end, the State shall establish measures to:

26 (A) Protect girl-children from all forms of abuse and exploitation caused by
27 negative cultural attitudes and practices as well as in the economic exploitation of
28 child labor;

29 (B) Provide equal access to Moro and indigenous girl children of the Madaris,
30 schools of living culture and traditions and the regular schools;

31 (D) Develop and institute a gender-sensitive curriculum, including legal
32 literacy, books and curriculum in the Madaris and school of living culture and
33 tradition;

1 (E) Promote the sensitivity of regular schools to particular Moro and
2 indigenous practices, such as fasting in the month of Ramadan, choice of clothing
3 (including the wearing of hijab) and halal food.

4 **Sec. 20. Protection of Senior Citizens.** – The State shall protect women
5 senior citizens from neglect, abandonment, domestic violence, abuse, exploitation
6 and discrimination. Towards this end, the State shall ensure the provision of special
7 protective mechanisms and support services against violence, sexual abuse,
8 exploitation and discrimination of women senior citizens.

9 **Sec. 21. Gender Mainstreaming as the Strategy for Implementing the**
10 **Magna Carta of Women.** - All departments, including their attached agencies,
11 offices and bureaus; state universities and colleges; government-owned and
12 controlled corporations; local government units (LGUs); and other government
13 instrumentalities shall adopt gender mainstreaming as the strategy to promote
14 women’s human rights and eliminate gender discrimination in their systems,
15 structures, policies, programs, processes and procedures which shall include but not
16 be limited to the following:

17 (A) *Planning and Budgeting for GAD.* - GAD programs designed to address
18 gender issues and concerns shall be implemented based on the mandate of
19 government agencies and local government units, R.A. 7192, gender equality
20 agenda of the government and other GAD-related legislation and policies. The
21 development of the GAD programs shall proceed from the conduct of a gender audit
22 of the agency/LGU and a gender analysis of its policies, programs, services, and the
23 situation of its clientele; the generation and review of sex-disaggregated data; and
24 consultation with gender/women’s rights advocates and agency/women clientele.
25 The cost of implementing the GAD program shall be set as the agency’s/LGU’s GAD
26 budget which shall be at least five percent (5%) of the agency’s/LGU’s total budget
27 appropriations.

28 LGUs shall develop and pass a GAD Code based on gender issues and
29 concerns in their respective localities and the women’s gender equality agenda of
30 the government. The GAD Code shall also serve as basis for identifying programs,
31 activities and projects on GAD.

32 Where needed, temporary gender equity measures shall be provided for in
33 the plans of all departments, including their attached agencies, offices and bureaus;

1 state universities and colleges; government-owned and controlled corporations; local
2 government units; and other government instrumentalities.

3 Towards a sustainable, gender-responsive and performance-based planning
4 and budgeting, gender issues and concerns shall be integrated in the following
5 plans, among others:

- 6 1. Macro-socio-economic plans such as the Medium-Term Philippine
7 Development Plan and Medium-Term Philippine Investment Plan;
- 8 2. Annual plans of all departments, including their attached agencies, offices
9 and bureaus; state universities and colleges; and government-owned and
10 controlled corporations;
- 11 3. Local plans/ agenda such as executive-legislative agenda, comprehensive
12 development plan (CDP), comprehensive land use plan (CLUP), provincial
13 development and physical framework plan (PDPFP) and annual investment
14 plan.

15 (B) *Creation and/or Strengthening of the GAD Focal Points.* - All departments,
16 including their attached agencies, offices and bureaus; state universities and
17 colleges; government-owned and controlled corporations; local government units;
18 and other government instrumentalities shall establish or strengthen their GAD Focal
19 Points or similar GAD mechanism.

20 GAD Focal Points shall be composed of key full-time personnel with decision
21 making powers, coming from strategic offices/units, and chaired by the agency
22 head/local chief executive. The GAD shall serve as the catalysts and/or advocates
23 that will facilitate the implementation of this Act.

24 The tasks and functions of the members of the GAD Focal Point shall form
25 part of their regular key result areas.

26 (C) *Generation and Maintenance of GAD Database.* - All departments,
27 including their attached agencies, offices and bureaus; state universities and
28 colleges; government-owned and controlled corporations; local government units;
29 and other government instrumentalities shall develop and maintain a GAD database
30 containing gender statistics and sex-disaggregated data that have been
31 systematically gathered, regularly updated and subjected to gender analysis for
32 planning, programming and policy formulation.

33 **Sec. 22. GAD Focal Point in Philippine Embassies or Consulates.** - An

1 officer duly trained on GAD shall be designated as the gender focal point in the
2 consular section of Philippine embassies or consulates, to be primarily responsible in
3 handling gender concerns of women migrant workers. Attached agencies shall
4 cooperate in strengthening the Philippine foreign posts' program for the delivery of
5 services to women migrant workers.

6 **Sec. 23. *Philippine Commission on Women (PCW).*** - The National
7 Commission on the Role of Filipino Women (NCRFW) shall be renamed as
8 Philippine Commission on Women (PCW) and strengthened to be the primary
9 coordinating agency and policy advisory on women and gender concerns to the
10 Office of the President and the Cabinet.

11 The PCW shall monitor and evaluate all agencies' compliance with this Act,
12 including those in the legislative and judicial branches of government, and their
13 capacity building for the effective implementation of this law.

14 **Sec. 24. *Gender and Development (GAD) Ombud.*** - A GAD Ombud shall
15 be established in the Commission on Human Rights (CHR). The GAD Ombud shall:

16 (A) On its own or in response to a report or complaint, require information,
17 investigate or hear administrative complaints involving any violation of this Act;

18 (B) Recommend to the President or the Civil Service Commission (CSC) any
19 possible administrative action based on non-compliance or failure to implement
20 provisions of this Act;

21 (C) Direct agencies to immediately respond to the problems brought to their
22 attention in relation to the implementation of this Act and report to the PCW any
23 action taken;

24 (D) Assist in the filing of cases against individuals, agencies, institutions or
25 establishments for possible violations of this Act.

26 **Sec. 25. *Incentives and Awards.*** - There shall be established an incentives
27 and awards system which shall be administered by a board under such rules and
28 regulations as may be promulgated by the PCW to deserving entities, government
29 agencies and local government units for their outstanding performance in upholding
30 the rights of women and effective implementation of gender-responsive programs.

31 **Sec. 26. *Penal Clause.*** - Any violation of the provision of this Act shall be
32 punishable with imprisonment of not more than two years or a fine of not more Five
33 Hundred Thousand Pesos (Php 500,000), or both, at the discretion of the court.

1 **Sec. 27. *Implementing Rules and Regulations.*** – As the lead agency, the
2 PCW shall, in coordination with the CHR, CSC, National Economic and Development
3 Authority (NEDA), Department of Budget and Management (DBM), Department of
4 Interior and Local Government (DILG), Presidential Management Staff (PMS) and
5 selected agencies, formulate the Implementing Rules and Regulations (IRR) of this
6 Act within ninety (90) days after its effectivity.

7 **Sec. 28. *Separability Clause.*** – If any provision or part hereof is held invalid
8 or unconstitutional, the remainder of the law or the provision not otherwise affected
9 shall remain valid and subsisting.

10 **Sec. 29. *Repealing Clause.*** – Any law, presidential decree or issuance,
11 executive order, letter of instruction, administrative order, rule or regulation contrary
12 to, or inconsistent with the provisions of this Act is hereby repealed, modified or
13 amended accordingly.

14 **Sec. 30. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
15 its publication in at least two newspapers of general circulation.

16 Approved,